

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 2 and 20. Claim 1 was previously canceled, and claim 21 has been added herein. Accordingly, claims 2-21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Objections - Abstract

On Page 2 of the Office Action, the Examiner objected to the abstract of the disclosure because it has claim language, such as "said" and "comprise". The Applicant has amended the Abstract to place it in proper form. Withdrawal of the objection is respectfully requested.

3.) Examiner Objections - Drawings

On Page 2 of the Office Action, the Examiner objected to the drawings due to insufficient quality. Applicant's review of the drawings from the international application indicates that FIGS. 5 and 6 require amendment for this reason. Amended FIGS. 5 and 6 are enclosed.

Additionally, the Examiner objected to FIG. 3 because it did not include descriptive labeling of the components. The Applicant has amended FIG. 3 to add the labeling as described on pages 7-10 of the international application.

4.) Examiner Objections - Claims

On Page 3 of the Office Action, the Examiner objected to claim 20 due to an informality. The Applicant has amended claim 20 to correct the informality. Withdrawal of the objection is respectfully requested.

5.) Claim Rejections – 35 U.S.C. § 103(a)

On Page 3 of the Office Action, The Examiner rejected claims 2-16, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Pelaez (US Patent Application Publication 2004/0190689) in view of Ejzak (US Patent Application Publication 2003/0027569) and in further view of Bos et al, (US Patent Application Publication 2004/0008669). The Applicants have amended the claims to better distinguish the claimed invention from Pelaez, Ejzak, and Bos. The Examiner's consideration of the amended claims is respectfully requested.

The claimed invention utilizes packet switched signaling to provide a first node with the information necessary to set up a circuit switched call leg from the first node to an originating Media Gateway. A packet switched call leg is then set up between the originating Media Gateway and a terminating Media Gateway serving the second node. The call is then through-connected. The second node may connect to the terminating Media Gateway through either a circuit switched access network or a packet switched access network. This process is not taught or suggested by Pelaez, Ejzak, and Bos.

Regarding claim 2, the Examiner contends that Pelaez shows the claimed invention except for the last four steps. The Examiner contends these steps are shown by Ejzak and Bos. The Applicant respectfully disagrees.

Pelaez discloses a system in which users engaged in a packet switched call session can independently select a media type (i.e., speech or text) for reception and/or transmission. A Text-to-Speech/Speech-to-Text converter converts between the two media types. There is no disclosure or suggestion of setting up a circuit switched call leg from one user to a Media Gateway and then sending an update message to the second node over the packet switched access network with an IP address of the Media Gateway.

Ejzak discloses a system in which an interworking Mobile Switching Center (iMSC) translates between circuit switched signaling utilized with a mobile user equipment (UE) and packet switched signaling utilized in an IMS network. Ejzak does not disclose or suggest any of the steps recited in Applicant's claim 2, as performed by the Media Gateway or Media Gateway Control Function, relating to setting up a circuit

switched call leg to one user and then setting up a packet switched call leg to the other user or to a terminating Media Gateway.

Bos discloses a system and method in which a packet switched session is first established between two units. When a problem is detected with the session, transfer messages are used to transfer the session to a circuit switched call. Thus, Bos also fails to disclose or suggest setting up a circuit switched call leg to one user and then setting up a packet switched call leg to the other user.

To establish a prima facie case of obviousness, the cited references must disclose or suggest all of the claimed limitations. The combination of Pelaez, Ejzak, and Bos does not disclose or suggest all of the claimed limitations of independent claims 2, 19, and 20. Therefore, the allowance of claims 2, 19, and 20 is respectfully requested.

Claims 3-16 depend from amended claim 2 and recite further limitations in combination with the novel elements of claim 2. Therefore, the allowance of claims 3-16 is respectfully requested.

On Page 9 of the Office Action, The Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Pelaez in view of Ejzak and Bos, as applied to claims 15 and 16, and in further view of, US Patent Application Publication 2004/0190498 (hereinafter referenced as Kallio). The Applicant respectfully disagrees. Claims 17 and 18 depend from independent claim 2 and recite further limitations in combination with the novel elements of claim 2. As noted above, the combination of Pelaez, Ejzak, and Bos does not disclose or suggest all of the claimed limitations of claim 2. Kallio, cited for disclosing that an MSC can send an inquiry to an HLR, does not overcome the deficiencies of the combination of Pelaez, Ejzak, and Bos. Therefore, the allowance of claims 17 and 18 is respectfully requested.

6.) New Claim

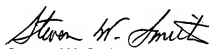
New claim 21 has been added to more concisely claim the embodiment of the invention illustrated in FIGS. 5 and 6. Claim 21 has similar limitations to independent claims 2, 19, and 20, and thus is allowable for the same reasons discussed above.

7.) Conclusion

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 2-21.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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Date: MAY 22, 2008

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